

Tentative Rulings

Law & Motion and Family Law Calendar for October 14, 2020

Department Two – Judge Douglas Prouty

To request a hearing on any matter on this calendar, you must call the Court at 530/283-6305 by 12:00 noon, October 9, 2020 notice of the intention to appear must also be given to all other parties. If the clerk is not notified of a party's intention to appear, there will be no hearing and the tentative ruling becomes the order of the court.

If you do appear and want the matter reported by a court reporter in unlimited civil, family law or probate, you must contract with and provide your own court reporter. The Court does not provide an official reporter for these calendars.

PLEASE NOTE – ANY REQUIRED APPEARANCE CAN BE DONE BY USING COURT CALL (1-800-882-6878) UNLESS OTHERWISE STATED IN THESE TENTATIVE RULINGS.

Probate – 9:00 a.m.

Case No. PR20-00031 Conservatorship of B., J.

Tentative Ruling: **Appearance required.** The Court will discuss how counsel and the Conservator intend to proceed in light of the recommendation in the Report.

Case No. PR20-00044 Conservatorship of B., S.

Tentative Ruling: **Appearance required.** The Court has reviewed the physician declarations and will discuss whether the matter is submitted or needs to be set for a hearing.

Case No. PR20-00040 Estate of Lorenz, Simone

Tentative Ruling: **Appearance required.** This case was continued for proof of publication per this Court's Administrative Order. No proof of publication for this new date has been filed.

Case No. PR12-00007 Guardianship of Greenwood, Chance

Tentative Ruling: **No appearance required.** The Court has received and reviewed the Confidential Guardianship Status Report. The Court finds it is in the minor's best interests to continue the guardianship and the next annual review hearing is set for October 13, 2021, at 9:00 a.m. All prior orders remain in full force and effect. The clerk of the court is reminded to send notice to the Guardian one month prior to this date, informing the Guardian of the duty to file a confidential status report prior to the review hearing. The Guardian is to appear by telephone at that time and date by calling 1-877-336-1829 and enter the access code 4023142. The party must then wait on the line and mute their phone until the Court calls their case.

Case No. PR20-00043**Guardianship of Hogan, Lucas**

Tentative Ruling: **Appearance required.** This case has been transferred to this Court from Yuba County. The Court will discuss whether the proposed guardians intend to proceed with the guardianship in light of the guardianship petition for a sibling was withdrawn. The Court has not received the Report from the Investigator.

Case No. PR14-00050**Conservatorship of B., A.**

Tentative Ruling: **Appearance required.** The Court has reviewed the physician declarations and will discuss whether the matter is submitted or needs to be set for a hearing.

CIVIL LAW AND MOTION CALENDAR – 9:30 a.m.**Case No. CV19-00242****Bank of America N.A. v Bowman, Nanette**

Tentative Ruling: Plaintiff has brought its Motion for Leave to Serve the Amended Summons and First Amended Complaint by Publication. The Court has reviewed the moving papers and finds that the First Amended Complaint states valid causes of action against all defendants pursuant to Code of Civil Procedure §§415.50 and 764.030. In light of the fact that the newspaper of general circulation for Plumas County is not publishing its newspaper, Plaintiff is ordered to serve the Amended Summons and First Amended Complaint pursuant to this Court's May 19, 2020 Administrative Order by posting on the Feather River Bulletin's website and at the other locations stated in that Order for four consecutive weeks. Further, Plaintiff is to file the necessary declaration setting forth their posting. The Court will sign a proposed Order setting forth this Ruling.

Case No. CV17-00066**Meeker, Cheryl v Feather River Rail Society**

Tentative Ruling: **Appearance required.** The Court has reviewed the Plaintiff's Motion to Enforce, including supporting declarations and points and authorities thereto, as well as Defendant's opposition to the Motion, including supporting declarations and points and authorities thereto. The Court will hear argument regarding the Motion and counsel are authorized to appear by CourtCall. The Court notes this calendar is for short-cause hearings and counsel will have no more than 20 minutes total for argument.

FAMILY LAW CALENDAR - 10:30 a.m.

Case No. FL18-00215

Bouche, Carol v Bouche, Jack

Tentative Ruling: **Appearance required.** Petitioner has filed a request for order to modify spousal support. No opposition has been filed to date. The Court intends to grant Petitioner's request and modify spousal support and will discuss Petitioner's request for an award of attorney's fees.

Case No. FL18-00220

Chipman, Christopher v Kelly, Nikita

Tentative Ruling: **Appearance required.** This matter is on calendar for the Petitioner's Request for Hearing re: modification of custody and parenting time. On April 27, 2020, the parties were ordered to schedule and attend mediation with Family Court Services. The Court will discuss the results of mediation and if no agreement has been reached, setting a contested hearing date and appropriate visitation pending that hearing. Counsel can appear by CourtCall.

Case No. FL19-00164

Collett, Victoria v Collett, Billy Joe

Tentative Ruling: **Appearance required.** There is a status review hearing re: the sale of the community residence. Counsel can appear by CourtCall.

Case No. FL20-00121

Durgan, Tylor v Erhart-Noury, Samuel

Tentative Ruling: **Appearance required.** Petitioner filed this action and a request for order for custody and parenting time. There is no proof of service on Respondent for the Petition, Summons, and Request for Order. The Court will also discuss the status of Mediation.

Case No. FL10-00165

Guerra, Rebecca v Miller, Kevin

Tentative Ruling: **Appearance required.** Temporary Emergency Orders were issued by this Court and Petitioner has not filed any responsive declaration or opposition to the Orders. The Court will also discuss the status of mediation.

Case No. FL15-00163

Kibble, Michael v Kibble, Karen

Tentative Ruling: **Appearance required.** The Court will discuss the status of the sale process for the community business including, the valuation process, logistics for the sale and mutual request for attorney's fees/sanctions. Counsel can appear by CourtCall.

Case No. FL19-00225

Mitchell, Kaleigh v Mitchell, Brandon

Tentative Ruling: **Appearance required.** This matter is set for an Order to Show Cause for failure to appear for Petitioner's Request for Order, and Case Management Conferences. If the parties do not appear at this time, the case will be dismissed and Temporary Emergency Orders vacated.

Tentative Ruling: **Appearance required.** Petitioner's Request for Order for spousal support, and/or in lieu of spousal support, payment of mortgage loan for Canyon Dam residence and possession of community residence. Petitioner has not requested spousal support in para. 4 of Request and no proof of service by October 5, 2020.

Tentative Ruling: **Appearance required.** This matter is set for an Order to Show Cause for failure to appear for Petitioner's Request for Order, and Case Management Conferences. If the parties do not appear at this time, the case will be dismissed for failure to appear and proceed with the case and the Temporary Emergency Orders re: supervised visitation will be vacated. .

Tentative Ruling: **Appearance required.** The Court will discuss the status of any agreement on parenting issues.

Tentative Ruling: **Appearance required.** The Court will discuss the results of mediation and alleged harassment through telephone calls and the parents having to use Talking Parents. The Court will discuss whether temporary emergency orders need to be granted for failure to return the child from Nevada.

Tentative Ruling: **Appearance required.** Petitioner has filed Request to modify parenting time as set forth in 2013 Judgment. The parties are to schedule and attend mediation and return to Court for results of mediation on November 23, 2020, at 10:30 a.m. The Court will discuss visitation pending mediation and until the next Court date. Petitioner is to under an alcohol assessment with Plumas County Behavioral Health.

CASE MANAGEMENT CONFERENCE/OTHER CASES

1:30 p.m.

Case No. CV20-00061 **Durkee, Timothy v Durkee, Tobin, et al.**

Tentative Ruling: **Appearance required.** The Court has not received Case Management Statements from all defendants. Counsel for those defendants are to show cause why a case management statement has not been filed for this date. The Court will discuss the status of discovery. Counsel can appear by CourtCall.

Case No. CV20-00063 **Eakprab LLC v Sanjeena & Eeshaan Enterprises**

Tentative Ruling: **Appearance required.** The Court will discuss the status of discovery and possible ADR. Counsel can appear by CourtCall.

CASE MANAGEMENT CONFERENCE/OTHER CASES

2:00 p.m.

Case No. LC20-00030 **America Express National Bank v Wheeler, Lara**

Tentative Ruling: **Appearance required.** The defendants have not been served in violation of Rule of Court 3.740(d). The Case Management Conference is continued to January 11, 2021, at 2:00 p.m. If the defendants have not been served by that date, Plaintiff is to show cause why monetary sanctions should not be imposed for their failure to complete service. Counsel can appear by CourtCall.

Case No. CV18-00217 **Peterson, Richard v Shasta-Siskiyou Transport**

Tentative Ruling: **Appearance required.** Plaintiff has not filed a case management statement in violation of Rule of Court 3.725. Plaintiff is to show cause why monetary sanctions should not be imposed for their failure to do so. The Court will discuss the mediator selection and scheduling of the session. Counsel can appear by CourtCall.

